

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION ILLINOIS COMMERCE
SPRINGFIELD, ILLINOIS COMMISSION

COPY

ILLINOIS COMMERCE COMMISSION)

vs.)

NORFOLK SOUTHERN RAILWAY)
COMPANY)

2002 SEP 12 A 9:40

No. T02-0076

TRANSPORTATION DIV

**MOTION PURSUANT TO THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT
FOR DISCLOSURE OF EX PARTE CONTACTS**

Comes now Norfolk Southern Railway Company, by and through their attorneys, Charles J. Swartwout and Gundlach, Lee, Eggmann, Boyle & Roessler, and pursuant to the Illinois Administrative Procedure Act 5 ILCS 100/10-60 and respectfully requests the Illinois Commerce Commission to enter an order allowing it to obtain all information concerning ex parte contacts between members, representatives or employees of the Illinois Commerce Commission pursuant to the Illinois Administrative Procedure Act and specifically requesting the following:

1. Statement of all written or oral communications between any Illinois Commerce Commission staff members and the Board of Commissioners or any individual member thereof, concerning the crossing which is the subject matter of the citation, the citation proceedings, or the Norfolk Southern Railway Company.

2. Statement of any and all communications, whether written or oral, between agency member(s) and any Administrative Law Judge, concerning the crossing which is the subject matter of the citation, the citation proceedings, or the Norfolk Southern Railway Company.

3. Statement from the Board of Commissioners, collectively or individually, as to any communications between them either collectively or individually, and any agency member,

DOCKETED

concerning the crossing which is the subject matter of the citation, the citation proceedings, or the Norfolk Southern Railway Company.

4. Statement of any written or oral communications between the Administrative Law Judge and any agency member or Commission Board member, either individually or collectively, concerning the crossing which is the subject matter of the citation, the citation proceedings, or the Norfolk Southern Railway Company.

5. Statement of any ex parte communications whether written or oral between any individual Commission Board member and any agency member or any Administrative Law Judge, concerning the crossing which is the subject matter of the citation, the citation proceedings, or the Norfolk Southern Railway Company.

WHEREFORE, Norfolk Southern Railway Company, respectfully requests that the Illinois Commerce Commission enter an order granting it leave to obtain this information and instructing the individuals that are the subject of this request to comply within a date to be set by the Administrative Law Judge, pursuant to the Illinois Administrative Practice Act.

GUNDLACH, LEE, EGGMANN, BOYLE & ROESSLER

By: 

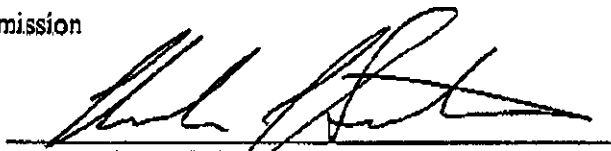
Charles J. Swartwout
Andrew C. Corbary
Attorney for Norfolk Southern Railway Company
5000 West Main Street, Box 23560
Belleville, IL 62223-0560

PROOF OF SERVICE

The undersigned certifies that a copy of the attached document was hand-delivered on
September 12, 2002, to:

Kevin Sharpe
Director of Processing and Information
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Gary Schechter
Special Assistant Attorney General
Attorney for Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701


Charles J. Swartwout